

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

KAREN READ.

* * * * *

* Docket No. 2282CR00117

BEFORE THE HONORABLE BEVERLY CANNONE
FRIDAY, JUNE 21, 2024
TESTIMONY OF IRINI SCORDI-BELLO

APPEARANCES:

For the Commonwealth:

BY: ADAM LALLY, A.D.A.
LAURA MCLAUGHLIN, A.D.A.

For the defendant:

BY: DAVID YANNETTI, ESQ.
ALAN JACKSON, ESQ.
ELIZABETH LITTLE, ESQ.

Dedham, Massachusetts
Room 25

Christine D. Blankenship, CVR
Court Reporter/Transcriber

**With Sidebar*

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Irini Scordi-Bello				
(By Mr. Lally)	4		38	
(By Ms. Little)		17		
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1 (Court in session at 9:05 a.m.)

2 (Defendant is present with counsel.)

3 (Jury in.)

4 THE CLERK: 22-117, the Commonwealth versus Karen Read.

5 THE COURT: Good morning, Counsel. Good morning, Ms.

6 Read. Good morning, jurors. I have to ask you those same

7 three questions. Were you all able to follow the

8 instructions and refrain from discussing this case with

9 anyone since we left yesterday?

10 THE JURY: Yes.

11 Everyone said yes or nodded affirmatively. Were you

12 also able to follow the instructions and refrain from doing

13 any independent research or investigation into this case?

14 THE JURY: Yes.

15 THE COURT: Everyone said yes or nodded affirmatively.

16 Did anyone happen to see, hear, or read anything about this

17 case since we left here yesterday?

18 THE JURY: No.

19 THE COURT: Everyone shook their heads. Thank you

20 very much. Can we have Dr. Scordi-Bello, please.

21 IRINI SCORDI-BELLO, sworn

22 THE COURT: Whenever you're ready, Mr. Lally. Good

23 morning, Doctor.

24 THE WITNESS: Good morning.

25

1 **DIRECT EXAMINATION**

2 **BY MR. LALLY:**

3 Q Good morning, Doctor.

4 A Good morning.

5 Q Doctor Scordi-Bello, if I can ask you some questions
6 just turning back a little bit from what you were
7 testifying to about yesterday. You had mentioned in your
8 testimony yesterday that you had received some -- an
9 additional -- in addition to the internal and external
10 examination that you conducted of Mr. O'Keefe, you were to
11 receive some other material that you had reviewed, correct?

12 A Correct.

13 Q Now, included within that material was some material
14 from the state police as far as the investigative agency
15 investigating Mr. O'Keefe's death?

16 A Correct.

17 Q Now, is that something -- is that typical, is that
18 abnormal? If you could, describe sort of in general terms
19 as far as what if any communication would you typically
20 have with the investigating body or agency in relation to
21 any sort of autopsy or examination you do?

22 A Yes. In Massachusetts under Massachusetts law, the
23 medical examiner's office is responsible, and our role is
24 to determine the cause and manner of death by doing an
25 autopsy. The scene or the scene of death or the place

1 where the decedent is found is controlled by the district
2 attorney's office and state police will do an
3 investigation. When we accept a case into our office, we
4 request reports, police reports, to explain and describe
5 the circumstances of the death. It could be a house. It
6 could be somewhere else. It could be outside. Every case
7 comes with a police report, and we review that police
8 report, and if we feel that we need more information, then
9 we contact the investigating body and ask for more
10 information, again, depending on the case.

11 Q And specifically in this case, in regard to Mr.
12 O'Keefe, did you reach out to get some more information?

13 A I did reach out, yes.

14 Q Was that in part in relation to what you were talking
15 about in your testimony yesterday as far as the diagnosis
16 of hypothermia and trying to sort of better understand the
17 circumstances?

18 MS. LITTLE: Objection, Your Honor.

19 THE COURT: Sustained.

20 Q Why did you reach out?

21 A I reached out because when the case was presented to
22 us, and after I did the autopsy, I did not have all the
23 information that I needed in order to certify the manner.
24 The cause of death to me was -- I was able to determine the
25 cause of death from the autopsy. When an event is

1 unwitnessed, we usually reach out to the investigating
2 agency and ask them whether they have any more information
3 than they did on the day that the autopsy was done, because
4 investigations sometimes take some time. So in the days and
5 the weeks following the autopsy, I reached out and asked if
6 there was any more information than what I was originally
7 presented with. Was there any video from the surrounding
8 areas? Where -- did anybody come forward to say that they
9 actually witnessed whatever happened? And again, by the
10 time I was ready to finalize the case, and we have
11 approximately three months or ninety days from the day of
12 the autopsy until we issue a report. I was not provided
13 with enough information for me to be able to determine the
14 manner.

15 Q Now, Doctor, do you recall specifically who it was that
16 you spoke with from the state police?

17 A Yes, I documented that I spoke with Trooper Proctor, I
18 believe, twice.

19 Q And with reference, not asking you anything as far as
20 what that conversation consisted of, but as far as the tone
21 of that conversation, did you feel pressured or coerced to
22 come up with a certain determination?

23 A No, I did not.

24 Q And even if you had been, what would your response have
25 been in reference to that?

1 A My response was that I am responsible for what goes on
2 the death certificate, and unless I have enough
3 information, clear and convincing evidence, I cannot
4 determine a manner.

5 MR. LALLY: May I approach?

6 THE COURT: Yes.

7 Q Now, Doctor, I'm showing you five photographs that I
8 gave you yesterday. Do you recognize those?

9 A Yes, I do.

10 Q And what do you recognize those to be?

11 A I recognize these as photographs of Mr. O'Keefe's body.
12 I believe these were taken at the hospital. One of them is
13 a photograph taken at the time of autopsy.

14 MR. LALLY: May I approach again, Your Honor?

15 THE COURT: Yes.

16 MR. LALLY: Commonwealth would seek to introduce and
17 admit as the next exhibit.

18 THE COURT: Ms. Little.

19 MS. LITTLE: No objection.

20 THE COURT: Thank you.

21 (Whereupon Exhibit No. 645, Photograph, was marked as an
22 exhibit.)

23 (Whereupon Exhibit No. 646, Photograph, was marked as an
24 exhibit.)

25 (Whereupon Exhibit No. 647, Photograph, was marked as an

1 exhibit.)

2 (Whereupon Exhibit No. 648, Photograph, was marked as an
3 exhibit.)

4 (Whereupon Exhibit No. 649, Photograph, was marked as an
5 exhibit.)

6 MR. LALLY: Thank you very much. Your Honor, may I have
7 moment? I just want to make sure they're in the --

8 THE COURT: Yes.

9 MR. LALLY: May I approach again?

10 THE COURT: Yes.

11 MR. LALLY: And, Your Honor, with the Court's
12 permission, may I publish these for the jury?

13 THE COURT: So, jurors, remember the instruction I gave
14 you yesterday on these photographs. Okay.

15 MR. LALLY: Ms. Gilman, if I could have photograph
16 2853. Q And, Doctor, do you recognize what's up on the
17 screen?

18 A Yes, this is a picture taken of Mr. O'Keefe body.

19 Q And, Doctor, if you could, using the laser pointer that
20 you have there, direct the jury's attention to what, if
21 anything, you observed of significance in this photograph
22 related to the injuries that you were testifying about
23 yesterday?

24 A Yes, so first thing you notice is the medical
25 intervention, which I talked about yesterday. There's the

1 defibrillator, adhesive pads on the chest. There is what's
2 known as the C collar, a cervical stabilization collar for
3 the neck. And he has been intubated prior to going to the
4 hospital. The injuries that are obvious in this picture
5 include the abrasions on his right forearm and arm, and you
6 can see here there is discoloration of the upper eyelid of
7 the right eye with some blood that's dripping. That's the
8 orbital or supraorbital ecchymosis that I described before
9 with -- we're too far to see the very, very small
10 laceration that is present there, but that's what's causing
11 the bleeding.

12 MR. LALLY: And, Ms. Gilman, if I could have photograph
13 2857.

14 Q Now, Doctor, this is not before you at the current
15 time. It's formerly marked as Exhibit 442. Do you
16 recognize what's up on the screen?

17 A Yes, this is a picture of the abrasions that I
18 described in my report, posterior upper arm and forearm.
19 You can see that they have some sort of pattern into it.
20 Anytime we see a pattern, we try to document it as best as
21 we possibly can.

22 Q Now, Doctor, with reference to these injuries as far as
23 the abrasions to Mr. O'Keefe's right arm, what if any role
24 did that play as far as your determination as far as cause
25 of death of Mr. O'Keefe?

1 A These are superficial abrasions to the skin. They are
2 not lethal. They're not contributory to the cause of death.
3 The trauma that I observed on the head along with the
4 hypothermia are the two factors contributing to his death.
5 These are present. They're noted, they're described,
6 they're photographed, but I do not know how they came to
7 be, and I did not contribute them to the cause of death.

8 MR. LALLY: Now, Ms. Gilman, if I could have photograph
9 286, please.

10 Q Doctor, returning to the exhibit to the photos that you
11 have before you, do you recognize what's up on the screen
12 here?

13 A Yes, this is a photograph of Mr. O'Keefe's right hand.
14 This is the dorsum or the dorsal aspect of the hand as
15 opposed to the palm, and you can see that there are some
16 contusions or bruises. There's a larger one here and two
17 very small ones here. This particular contusion has two
18 pinpoint, small defects associated with it. I believe this
19 is -- this could be due to attempts at gaining IV access
20 during the many attempts of resuscitation, but I cannot be
21 absolutely sure.

22 MR. LALLY: And, Ms. Gilman, if I could have photograph
23 2865.

24 Q And Dr. Scordi-Bello, if you could again using the
25 laser pointer, direct the jurors' attention to what, if

1 anything, of significance you note in this photograph.

2 A Again, this is a slightly closer view of Mr. O'Keefe's
3 face. You can see the discoloration, the ecchymosis on the
4 right eye with a slight amount of bleeding. You can see
5 here that there's also some discoloration of his left eye
6 -- left eyelid.

7 Q And, Doctor, with reference to the other injuries that
8 you were testifying about yesterday as far as the small
9 cuts or abrasions or lacerations, are those visible in this
10 photograph as well?

11 A I can't hear your question, and you could just repeat
12 it and a little louder.

13 Q Sure. My apologies, Doctor.

14 With reference to this photograph, as far as your
15 testimony yesterday, in regard to the other smaller
16 injuries around the nose and eyes area of Mr. O'Keefe, are
17 those visible in this photograph as well?

18 A We can see some discoloration of the nose, but this is
19 not a very good picture of it, and I think there's a linear
20 abrasion on the left side of the nose that I described, and
21 it's probably this.

22 MR. LALLY: Ms. Gilman, could I have photograph 2877?

23 Q And, Doctor, if you could, again using the laser
24 pointer direct the jurors' attention to sort of anything of
25 significance you observed in this photograph.

1 A Yes, this is a view of the left side of Mr. O'Keefe's
2 face. You can see the discoloration of the left eyelid, and
3 now you can see this linear abrasion on his nose and a
4 small abrasion more towards the middle of his nose.

5 MR. LALLY: Ms. Gilman, lastly from this set, if I
6 could have photograph 9488.

7 Q Same, Dr. Scordi-Bello, if you could using the laser
8 pointer direct the jurors' attention to what, if anything,
9 of significance you observed in this.

10 A This is the laceration to the back of Mr. O'Keefe's
11 head. You can see this defect here. It's ragged. It's a
12 typical classic blunt impact injury. And you can see the
13 abrasion, the scrape that is adjacent to it.

14 Q Thank you, Doctor.

15 MR. LALLY: Ms. Gilman, you can take that down. And
16 also if we could have the lights. Thanks.

17 Q Now, Doctor, with reference to what you were testifying
18 yesterday as far as the subscapular bleeding, the bleeding
19 under the scalp, is that more or less prominent on one side
20 versus the other side of Mr. O'Keefe's scalp?

21 A Yes, it was more prominent under the laceration that we
22 just looked at.

23 Q And so would that be more prominent on the right side;
24 is that correct?

25 A Yes.

1 Q Now, you testified yesterday about a blunt object's
2 injury in relation to the injury to the back of the head
3 then leading to the fractures and the bleeding in the
4 brain, correct?

5 A Correct.

6 Q And then further leading to ecchymosis; is that
7 correct?

8 A In the eyes, yes.

9 Q Now that blunt object, what, if anything, can you say
10 about what -- what that blunt object could be?

11 A It could be any blunt object.

12 Q Now, from your training and experience with reference
13 to the number of autopsies and examinations that you
14 conducted over the years, would that blunt object the
15 possibility include the ground, especially if it was frozen
16 ground?

17 A Yes.

18 MS. LITTLE: Objection.

19 THE COURT: Ask the question differently.

20 Q The injuries that you observed to the back of Mr.
21 O'Keefe's head, the skull fracture, would that be
22 consistent with a fall to the ground?

23 A It could be.

24 Q Would that be consistent with being projected by an
25 object say in a pedestrian collision, and then striking

1 your head on the ground?

2 A It's possible.

3 Q Now, the arm injuries that you observed, would those be
4 consistent with scratches from either glass or a piece of
5 plastic or a piece of metal?

6 A It's possible.

7 Q And the injuries that you observed, would that be
8 consistent with injuries that you observed in other cases
9 of a pedestrian collision?

10 A They're not the classic pedestrian injuries that we
11 observed, no.

12 Q And to that point, as far as when you say classic as
13 far as a pedestrian collision is concerned, you've
14 conducted autopsies on a number of different pedestrian
15 collisions over the course of your career; is that correct?

16 A Yes, I have.

17 Q Do they all sort of mirror each other. Is there sort of
18 disparity depending on how the person interacted with the
19 car?

20 MS. LITTLE: Objection.

21 THE COURT: Sustained. Watch the form, Mr. Lally.

22 Q What if anything -- are every injuries from a
23 pedestrian collision the same?

24 A No.

25 Q And why not?

1 A It depends on many factors. It depends on the position
2 of the body of the pedestrian or the person being struck.
3 It depends on whether they are moving or standing still. It
4 depends on the speed of the car. It depends on whether
5 brakes were applied or not. There's a lot of factors that
6 come into play.

7 Q Would another factor be sort of the shape of the
8 vehicle that strikes a pedestrian?

9 A That's also possible. Yes, that's a factor.

10 Q And did you have occasion to see any photographs or
11 have you seen any photographs in relation to the
12 defendant's vehicle in this case?

13 A I have seen photographs, yes.

14 Q And the size or shape of that vehicle, what if any
15 significance did that have to you as far as your
16 examination?

17 MS. LITTLE: Objection.

18 THE COURT: I'll allow it.

19 A When we have a potential vehicle, clearly, we look at
20 the height because one of the things that we do in most or
21 all pedestrian or people struck by a motor vehicle is look
22 at the legs, because in the majority we see injuries to the
23 legs from the bumper of the car. Again, depending on the
24 kind of car, the size of the car, and the height of the
25 bumper. So in Mr. O'Keefe, I did not see any injuries in

1 the lower extremities. And looking at the car, I did note
2 that it was a much bigger car with much higher, I would say
3 a much higher taillight, bumper. It was not a sedan or a
4 car that's low to the ground where the bumper would be at
5 the level of let's say the knee or slightly above or
6 slightly below.

7 Q And again I believe yesterday in your testimony, you
8 indicated that the skull is a pretty thick bone; is that
9 correct?

10 A Yes.

11 MS. LITTLE: Objection.

12 THE COURT: Sustained.

13 Q With regards to the thickness of the skull bone what if
14 any significance -- or what, if any -- what if anything you
15 say as far as the type or amount of force that would be
16 caused -- would be necessary to cause the fracture that you
17 observed?

18 MS. LITTLE: Objection.

19 THE COURT: Overruled.

20 A I would consider the amount of force to be significant
21 again without being able to quantify it.

22 MR. LALLY: May I have a moment, Your Honor.

23 THE COURT: Yes.

24 Q Now, Doctor, from the internal and external examination
25 that you conducted in regard to Mr. O'Keefe as well as the

1 other materials that you reviewed, were you able to come to
2 an opinion to a reasonable degree of medical certainty as
3 to the cause of death of John O'Keefe?

4 A Yes, the cause of death was due to blunt impact
5 injuries of the head and hypothermia.

6 MR. LALLY: Thank you, Doctor. Your Honor, I have no
7 further questions.

8 THE COURT: All right. Cross-examination.

9 MS. LITTLE: Thank you.

10 **CROSS-EXAMINATION**

11 **BY MS. LITTLE:**

12 Q Good morning, Dr. Scordi-Bello.

13 A Good morning.

14 THE COURT: Ms. Little, keep your voice up.

15 MS. LITTLE: Absolutely.

16 Q You testified regarding a number of injuries that you
17 referred to as blunt impact injuries, correct?

18 A Yes.

19 Q And to be clear, blunt impact injuries are a very, very
20 large category that includes contusions, lacerations,
21 abrasions, and fractures?

22 A Correct.

23 Q And you testified similarly that a blunt object can
24 also refer to a large range of objects; is that right?

25 A Correct.

1 Q And I think yesterday you gave the example of a
2 microphone being a blunt object?

3 A Correct.

4 Q It could also include something like a baseball bat?

5 A Correct.

6 Q A dumbbell?

7 A Could be.

8 Q The ground?

9 A Yes.

10 Q Or a German shepherd's claws?

11 A Claws, possibly, yes.

12 Q You'd agree that John O'Keefe had a number of blunt
13 impact injuries on his face, on his head, and his right
14 arm? A Yes.

15 Q Besides his right arm, which we'll discuss in a second,
16 taking his body from the neck down, he did not have any
17 significant injuries?

18 A From the neck down, not significant, no.

19 Q Let's take those one at a time. No injury whatsoever to
20 the shoulders?

21 A Correct.

22 Q No injuries whatsoever to his chest area, aside from
23 sort of the CPR related injuries that you discussed?

24 A Yes, correct.

25 Q And that was in the sternum; is that right?

1 A It was in the ribs just adjacent to the sternum, yes.

2 Q Okay. No injuries to his torso other than that?

3 A No.

4 Q No injuries to his back?

5 A No.

6 Q No injuries to his hips?

7 A Correct.

8 Q No injuries to his pelvis?

9 A Correct.

10 Q No injuries to his thighs?

11 A To his?

12 Q Thighs?

13 A No.

14 Q No injuries to his knees?

15 A Correct.

16 Q No injuries to his shins?

17 A Correct.

18 Q No injuries to his ankles?

19 A Correct.

20 Q No injuries to his feet?

21 A Correct.

22 Q From the neck down, he did not have a single broken
23 bone again, aside from those CPR related injuries you
24 discussed, correct?

25 A That's correct.

1 Q Not a single fracture?

2 A Other than CPR, correct.

3 Q And you sort of -- you spoke earlier about how the
4 bumper was a little higher than on - say - a regular sedan,
5 correct?

6 A Correct.

7 Q And so usually in a pedestrian collision, you would see
8 injuries to the knees; is that right?

9 MR. LALLY: Objection.

10 THE COURT: I'll allow it.

11 A Depending on the kind of car, depending on the speed,
12 depending on the height of the individual and the car. You
13 might -- you might -- you might see injuries to their lower
14 extremity, yeah.

15 Q But in this case, you didn't see any injuries to his
16 thighs, to his pelvis, anything even at the height of the
17 bumper; is that correct?

18 A Correct. He had a very minor abrasion to the side of
19 his right knee.

20 Q So surely, you'd agree that John O'Keefe's injuries or
21 lack thereof are inconsistent with having been struck by a
22 7,000 pound vehicle at 24 miles per hour and being
23 projected 30 feet?

24 MR. LALLY: Objection.

25 THE COURT: Sustained. You can break it down. Ask it

1 differently.

2 Q Would you agree that John O'Keefe's injuries, or lack
3 thereof, are inconsistent with having been struck by a
4 vehicle at 24 miles per hour?

5 A I would say it's likely and unlikely at the same time
6 depending on the position of the body and the vehicle in
7 question.

8 Q Well, let me give you a hypothetical. Let's say the
9 person were standing with their arm like this
10 (demonstrating) and they were struck by the rear taillight
11 of a vehicle at 24 miles per hour. Would you agree that his
12 injuries are inconsistent with that scenario?

13 MR. LALLY: Objection.

14 THE COURT: Sustained.

15 MS. LITTLE: May we approach, Your Honor?

16 THE COURT: Sure.

17 (Sidebar commences.)

18 (Impounded proceedings.)

19 (End of sidebar.)

20 Q Would you agree that John O'Keefe's injuries to his arm
21 - let's start there - are inconsistent with having been
22 struck by a vehicle at 24 miles per hour and then causing
23 him to spin around and be projected 30 feet?

24 THE COURT: Okay. So you need to break it down.

25 Q Would you agree that John O'Keefe's injury to his arm

1 are inconsistent with having been struck by a vehicle at 24
2 miles per hour?

3 A I don't know. I am not a reconstruction expert. I'm not
4 a biomechanics expert. I never personally inspected the
5 car, so I can't offer an opinion on that.

6 Q You did examine John O'Keefe's arm, correct?

7 A Yes.

8 Q You observed no significant bruising?

9 A Correct.

10 Q No fractures?

11 A Correct.

12 Q And no broken bones?

13 A Correct.

14 Q I'd like to talk about the injuries to John O'Keefe's
15 face. You testified that Mr. O'Keefe had a laceration on
16 his right upper eyelid?

17 A Correct.

18 Q You also described multiple abrasions on his nose?

19 A Two, yes.

20 Q Although these injuries may not have been the ultimate
21 cause of his death, you'd agree that less severe injuries
22 can still be very important in interpreting the manner or
23 the context in which that person died, correct?

24 A Correct.

25 Q And in furtherance of that, you've been taught that

1 when doing an autopsy, details matter?

2 A Correct.

3 Q No matter how small?

4 A Correct.

5 Q And that's one of the reasons as a medical examiner you
6 have to notate every single injury you find on a person; is
7 that right?

8 A Correct.

9 Q If I could show you --

10 MS. LITTLE: May I approach, Your Honor?

11 THE COURT: Yes. Show Mr. Lally.

12 Q Do you recognize that photograph?

13 A I do.

14 Q And is that a photograph that was taken in connection
15 with your autopsy?

16 A Yes, it was taken at the time of autopsy after the face
17 was cleaned.

18 THE COURT: I'm sorry, after what?

19 THE WITNESS: The face was cleaned up.

20 THE COURT: Okay.

21 MS. LITTLE: I move to admit, Your Honor.

22 THE COURT: Any objection, Mr. Lally?

23 MR. LALLY: No, Your Honor.

24 THE COURT: Okay.

25 (Whereupon Exhibit No. 650, Photograph, was marked as an

1 exhibit.)

2 MS. LITTLE: Permission to publish.

3 THE COURT: Yes.

4 Q Are these the facial injuries that you were testifying
5 to earlier?

6 A Yes.

7 Q And could you kind of describe in that photograph what
8 injuries you observed to his face?

9 A The orbital ecchymosis on both eyes, the small
10 laceration to the right eyelid, the abrasions on the nose.

11 Q And you testified that the injuries his face were also
12 the result of a blunt force trauma?

13 A Correct.

14 Q So that's the laceration to the eye and the two
15 abrasions that we see there on his nose?

16 A Correct.

17 Q And you'd agree that those injuries don't just manifest
18 out of nowhere, right?

19 A Absolutely.

20 Q They have to originate from something?

21 A Yes.

22 Q Would you agree that his injuries to his face are
23 consistent with having been punched?

24 A That is a possibility.

25 MS. LITTLE: You can take that down, Mr. Bates. Thank

1 you.

2 Q Your internal examination notes also cite a tongue
3 laceration on the right front of the victim's tongue. Do
4 you recall that?

5 A Yes.

6 Q And you'd agree that a tongue laceration can be also
7 caused by blunt force trauma?

8 A Correct.

9 Q And that could also include something like a punch to
10 the victim's face or jaw?

11 A That's a possibility.

12 Q In addition to the facial injuries, you described that
13 Mr. O'Keefe had a significant laceration on the back of his
14 head?

15 A He had one laceration to the back of his head, correct.

16 Q And I believe we saw a photograph earlier.

17 A Yes.

18 Q You testified that the skin around the laceration on
19 the back of his head was also scratched; do you recall
20 that?

21 A Yes, I do.

22 Q But you did not testify as to how you opined that might
23 have happened?

24 A No.

25 Q Would you agree that someone could certainly get

1 scratched on the back of their head if they were, for
2 instance, dragged on the ground?

3 A It's possible.

4 Q You described the open wound to the back of his head as
5 a laceration which is sort of a blunt force injury that's
6 not the result of sharp force trauma; is that right?

7 A Yes.

8 Q And you'd agree that Mr. O'Keefe's head injury came
9 from some sort of blow to the back of the head, whether it
10 be an object or the ground; is that right?

11 A Yes.

12 MR. LALLY: Objection.

13 THE COURT: I'll allow it.

14 Q And that injury could be the result of falling backward
15 from the standing position onto concrete?

16 A It's possible.

17 Q It could also be the result of being struck with a
18 large object such as a baseball bat or a barbell?

19 A It's possible.

20 Q In other words, it was an irregular laceration that
21 resulted from some blunt force trauma?

22 A Correct.

23 Q I'd like to sort of circle back to those injuries to
24 Mr. O'Keefe's arm. You testified that there were, again, no
25 fractures, no broken bones, no significant contusions?

1 A Correct.

2 Q But you did describe the wounds Mr. O'Keefe's arm as
3 having discrete linear abrasions which were caused by some
4 sort of blunt object, correct?

5 A Yes.

6 Q What does discrete mean?

7 A It means each one is an individual injury as opposed to
8 confluent where it would be all meshed together.

9 MS. LITTLE: Your Honor, if I could publish what's been
10 previously marked as Exhibit 19.

11 THE COURT: Okay.

12 Q And these are sort of the linear wounds that you're
13 referring to?

14 A Yes.

15 Q And you testified that these also sort of appear in
16 clusters or groups?

17 A Yes.

18 Q You called them pattern abrasions; is that right?

19 A Yes, I did.

20 Q And you'd agree that, for example, road rash does not
21 result in this type of discrete, linear wounds?

22 A It could, but not exactly like this.

23 Q Well, typically, road rash covers sort of a large area
24 of the skin. It would be a large abrasion. And we've seen
25 numerous, numerous cases of road rash in your career?

1 A Yes.

2 Q And it doesn't look like that?

3 A Correct.

4 Q Blunt force trauma can include injuries from various
5 objects, as you testified, including an animal claw,
6 correct? A Correct.

7 Q And you agree that these discrete, linear abrasions are
8 inconsistent with having been struck by a smooth rear
9 taillight at 24 miles per hour?

10 MR. LALLY: Objection.

11 THE COURT: Can you answer that, Doctor?

12 THE WITNESS: I can't.

13 THE COURT: Okay.

14 THE WITNESS: By a smooth -- no.

15 THE COURT: All right. Next question.

16 Q By a smooth rear taillight, you said that is not what
17 you would see at 24 miles per hour, correct?

18 MR. LALLY: Objection.

19 THE COURT: Sustained.

20 Q As you testified earlier, you've indicated that based
21 on the facts that were presented to you, you don't know
22 what caused those significant scratches on Mr. O'Keefe's
23 right arm?

24 A I do not.

25 MS. LITTLE: May I approach, Your Honor?

1 THE COURT: Sure.

2 MR. LALLY: If I could just see what was ...

3 MS. LITTLE: Oh, I'm sorry, Mr. Lally.

4 Q Do you recognize that photograph?

5 A I do. It's a photograph of Mr. O'Keefe's right hand.

6 MS. LITTLE: May I mark that as the next in order?

7 THE COURT: Is there an objection?

8 MR. LALLY: May we approach?

9 THE COURT: Okay. Doctor, may I see that for a moment,
10 please?

11 THE WITNESS: Sure.

12 (Sidebar commences:

13 THE COURT: So what's the objection?

14 MR. LALLY: So what we had done with the photograph
15 that we had used of Mr. O'Keefe's right hand in conformity
16 with what the Court had said with regard to the medical
17 records, is we had blacked out the date of birth --

18 MS. LITTLE: Oh, I'm sorry. I didn't realize you could
19 read that.

20 THE COURT: There should be no writing on these. So --
21 this is from the voir dire --

22 MS. LITTLE: I can just use the hand photo that you
23 used.

24 MR. LALLY: I don't think there's any difference
25 between the two.

1 MS. LITTLE: It's -- that's fine. It's just the one I
2 had queued up.

3 THE COURT: But I think this is already in evidence.

4 MS. LITTLE: This is not. This is a different
5 photograph, and it's just what we have queued up.

6 THE COURT: All right. Do you care if it's published
7 like this, that it's whited out or? All right. There's an
8 objection to it so how many more questions do you.

9 MS. LITTLE: I don't have much longer.

10 THE COURT: Do you need the body part of that?

11 MS. LITTLE: I mean, this is how it was given to us.

12 THE COURT: All right. So if you can just have your
13 video person, when he publishes it, just start from there,
14 and then we'll just --

15 MR. YANETTI: I'm sorry. So the Court's not concerned
16 with this.

17 THE COURT: Is that what you were concerned about?

18 MR. LALLY: Oh, (indiscernible) that is --

19 MS. LITTLE: That's how we received it.

20 (End of sidebar.)

21 MR. JACKSON: Thank you, Your Honor.

22 MS. LITTLE: Thank you, Your Honor. Permission to
23 publish.

24 THE COURT: Well, we need to mark it first. So we'll
25 mark it for identification, and then when it's appropriate,

1 it will be transferred to being an exhibit. But --

2 MS. LITTLE: Thank you.

3 THE COURT: But, yes, you can publish. Is it all set to
4 be published, appropriately?

5 MS. LITTLE: Yes, Your Honor.

6 (Whereupon Exhibit NNN, Photograph, was marked for
7 identification.)

8 THE COURT: Okay.

9 Q Dr. Scordi-Bello, you indicated on direct examination
10 that at least one of the bruises from Mr. O'Keefe's right
11 hand could potentially be attributed to an attempt to get
12 IV fluid into the hand; is that correct?

13 A Correct.

14 Q During the course of your conducting your autopsy, you
15 reviewed records from the Canton Fire Department and EMS as
16 well as Good Samaritan Hospital; is that correct?

17 A I did.

18 Q And do you recall reviewing records indicating that the
19 IV fluids in this particular case were administered through
20 the tibia and then later through a catheter at the
21 hospital?

22 A Yes, they were administered through intraosseous lines
23 in both leg's shins. And at the hospital, they were
24 administered through a femoral central line. Yes.

25 Q And you'd agree that bruising to the backs of hands is

1 also consistent with defensive wounds?

2 A That's -- yes, that's correct.

3 Q And there are actually four separate distinct bruises
4 outside of the one that you discussed earlier on Mr.
5 O'Keefe's right hand, correct?

6 A Yes, I would say three, but I can see how you would say
7 four. One, two, three. That might be one together, but,
8 yes, I can see how you would say four.

9 Q And you testified yesterday that there was also an
10 injury to Mr. O'Keefe's left hand.

11 A There was a vague contusion on his left hand, correct.

12 Q You were asked by Mr. Lally --

13 THE COURT: Can we take this down now, Ms. Little?

14 MS. LITTLE: Yes, Your Honor.

15 Q You testified on direct examination that you didn't see
16 any sort of obvious signs of a fight because Mr. O'Keefe's
17 fingernails were intact and you didn't observe any
18 fractures on his hands; is that right?

19 A Correct.

20 Q But broken fingernails and fractured hands aren't the
21 only observable fine -- signs of a fight; isn't that
22 correct?

23 A That's correct.

24 Q In fact, you noted a laceration over his eye?

25 A Yes.

1 Q You notice multiple lacerations on his nose?

2 A Abrasions on his nose, yes.

3 Q And multiple abrasions on his nose?

4 A Correct.

5 Q You noticed a laceration to his tongue?

6 A Yes.

7 Q You noted the contusions on the back of his right hand?

8 A Correct.

9 Q The injury -- the contusion to his left hand as well?

10 A Correct.

11 Q And as you just testified, bruising on the back of
12 hands may be consistent with defensive wounds?

13 A It could be.

14 Q So, in fact, if you have a body that presents with a
15 laceration to one of the brows, a laceration or abrasions
16 to the nose, an egg over an eye, contusions and abrasions
17 on the hands, and a laceration to the tongue, these
18 injuries are consistent with a physical altercation,
19 correct?

20 MR. LALLY: Objection.

21 THE COURT: Sustained.

22 Q Are those injuries consistent with a physical
23 altercation?

24 MR. LALLY: Objection.

25 THE COURT: Sustained.

1 MS. LITTLE: Your Honor, may we approach?

2 THE COURT: Sure.

3 (Sidebar commences:

4 THE COURT: For the record, the nature of the
5 objection.

6 MR. LALLY: It's argumentative.

7 THE COURT: What do you say?

8 MS. LITTLE: Mr. Lally opened the door. He specifically
9 asked this witness whether these -- some of these injuries
10 whether -- excuse me. Let me say that again. He
11 specifically asked this witness whether the injuries
12 whether she observed any signs of a fight to which she said
13 no, which I think is misleading to the jury. I have to be
14 able to explore whether the current injuries are consistent
15 with a physical altercation.

16 THE COURT: So you have. You've already got it in
17 evidence, and you can argue it. So the objection is
18 sustained.

19 MS. LITTLE: (Indiscernible.)

20 THE COURT: Yes, in an hour.

21 end of sidebar.)

22 Q Shifting gears for a second. You indicated on direct
23 examination that you reviewed some photographs from law
24 enforcement that showed no footprints in the snow; do you
25 recall that testimony?

1 A I do.

2 Q Were those provided to you by Trooper Proctor?

3 A Yes.

4 Q Do you have those photographs with you?

5 A No, I don't.

6 Q Do you recall what was depicted in those photographs?

7 A Yes. If I remember correctly, it was the area of the
8 fire hydrant and the area where Mr. O'Keefe's body was
9 discovered. It's the front of the house, the area of the
10 fire hydrant, and I believe the flagpole.

11 Q Thank you. You testified that Mr. O'Keefe had multiple
12 fractures to his skull, but they seemed to be originating
13 from a single point of impact on the back of his head; is
14 that correct?

15 A It appeared so, yes.

16 Q Are you reasonably certain that all of his injuries
17 were the result of a single impact to the back of the head?

18 A It could be a single impact.

19 Q But it also could be multiple impacts, correct?

20 A It could be, yes.

21 Q Because as you just testified, Mr. O'Keefe suffered
22 multiple injuries to the front of his face as well?

23 A Correct.

24 Q In other words, he could have suffered trauma to the
25 face and then fallen and sustained the injury to the back

1 of the head, correct?

2 A That is possible. Yes.

3 Q And you testified before the state grand jury that the
4 areas of bruising to the brain were likely due to a fall;
5 is that correct?

6 A Yes.

7 Q In your expert medical opinion, is it possible for
8 someone to get punched in the face hard enough to lose
9 consciousness and fall backward?

10 MR. LALLY: Objection.

11 THE COURT: I'll allow it.

12 A It's possible.

13 MS. LITTLE: May I have one moment?

14 THE COURT: Sure.

15 MS. LITTLE: May I see the exhibits that were just
16 marked, Your Honor?

17 If I could have permission to publish what's been
18 previously admitted as Exhibit 19.

19 THE COURT: Yes.

20 Q Dr. Scordi-Bello, it's kind of hard to see in this
21 picture, but there's some redness that you observe on the
22 body by the ribs that we observed in some of the other
23 photographs that were presented by Mr. Lally.

24 MR. JACKSON: May we have just a moment, Your Honor?

25 THE COURT: Yes.

1 MR. JACKSON: Ask to approach.

2 MS. LITTLE: May I approach, Your Honor?

3 Q I'd like to show you it's been previously marked as
4 People's Exhibit 648.

5 MS. LITTLE: Ms. Gilman, would it be -- Mr. Bates, can
6 you take that one?

7 Ms. Gilman, would it be possible to display Exhibit
8 648.

9 May I approach, Your Honor?

10 THE COURT: Yes.

11 MS. LITTLE: It's 2853. Thank you.

12 Q Dr. Scordi-Bello, you were shown this photograph by Mr.
13 Lally on direct examination?

14 A Yes.

15 Q Do you see the redness sort of next to his rib cage on
16 the bottom crest?

17 A Yes.

18 Q What is that?

19 A That is livor.

20 Q Lividity?

21 A Lividity, yes.

22 Q Can you describe to the jury what lividity is?

23 A Yes. Lividity is the pooling of blood to the dependent
24 areas of the body after someone is deceased.

25 Q So even though it sort of appears to look like a

1 bruise, that's lividity, correct?

2 A That is lividity. Yes, it goes all the way down.

3 Q And it's not the result of an injury?

4 A No.

5 MS. LITTLE: Thank you. No further questions.

6 THE COURT: Okay. The lights, please. Thank you. Mr.
7 Lally.

8 MR. LALLY: Yes, Your Honor.

9 **REDIRECT EXAMINATION**

10 **BY MR. LALLY:**

11 Q Dr. Scordi-Bello, you did observe a minor abrasion to
12 Mr. O'Keefe's right knee; is that correct?

13 A Correct.

14 Q And what part of the knee was that on if you recall?

15 A It was on the side of the lateral side of his right
16 knee.

17 Q And by lateral, sort of the side that faces away from
18 the body; is that correct?

19 A Correct.

20 Q You were asked whether or not the small injuries on Mr.
21 O'Keefe's face could possibly be from a punch; is that
22 correct?

23 A Correct.

24 Q And you said that's one of the possibilities; is that
25 correct?

1 A Yes.

2 Q And what are some of the other possibilities?

3 A Could be impact during a fall. It could be coming in
4 contact with any blunt object in the snow.

5 Q Would glass be a possibility as far as a blunt object?

6 A It could be under certain circumstances.

7 Q A piece of plastic under certain circumstances, as far
8 as a blunt object, would that be also a possibility?

9 A Correct, yes.

10 Q Now, as far as the abrasion near the laceration on the
11 back of Mr. O'Keefe's head, you were asked some questions
12 about whether or not that could be from dragging, correct?

13 A Correct.

14 Q Now, as far as injuries or abrasions concerning
15 dragging, would it be typical to see just one isolated
16 abrasion in the area of the laceration?

17 A Not typical, but possible.

18 Q Could that also be a result of the blunt impacts for as
19 one of the possibilities you've testified before, from
20 hitting the ground?

21 A Yes.

22 Q Now you were asked about hitting the ground,
23 specifically hitting concrete. Would that impact injuries
24 to the back of Mr. O'Keefe's head also be consistent with
25 striking his head on frozen ground?

1 A I'm sorry.

2 MS. LITTLE: Objection.

3 THE COURT: No, I'll allow it.

4 A Can you -- can you repeat the question?

5 Q Sure. You were asked a question on cross-examination
6 about the laceration and abrasion to the back of Mr.

7 O'Keefe's head being consistent with striking his head on
8 concrete, correct?

9 A Yes.

10 Q Would that also be consistent with striking his head on
11 frozen ground?

12 A It could be, yes.

13 Q You were asked about certain wounds as being a
14 possibility of defensive wounds. What are some of the other
15 types of defensive wounds that you would expect to see that
16 you do not see in this case?

17 A I would expect to see or I have seen multiple bruising
18 to the -- again, posterior aspects of the forearms. I have
19 seen cuts, lacerations, depending on how a person might be
20 defending themselves, the position of their arms.

21 Q And would that also includes breaks in the fingernails
22 and fractures to the hands?

23 MS. LITTLE: Objection.

24 THE COURT: Watch the form, Mr. Lally. Sustained.

25 Q What if anything else would that include?

1 A It might include bruising to the knuckles. It might
2 include broken fingers.

3 Q Now, with reference to the injuries that you were asked
4 about with respect to Mr. O'Keefe's right hand, would those
5 also be consistent with impact from a blunt object as well?

6 A They are blunt impact injuries, yes.

7 Q Now, again, if I could, just with reference to you were
8 asked about different possibilities with the skull
9 fractures and bleeding in the brain. What is your opinion
10 as to sort of how that was caused and sort of, if you
11 could, again, just go through your opinion as to the head
12 injuries, the skull fracture, and the bruising?

13 MS. LITTLE: Objection.

14 THE COURT: Ask it again, Mr. Lally, in a different
15 way.

16 Q You were asked about some possibilities. What is your
17 opinion as to how those injuries were sustained or
18 manifested in Mr. O'Keefe?

19 A I don't know how they came to be. I described them and
20 I stated previously that they are consistent with a fall to
21 the back of the head.

22 Q And so I'm sorry, Doctor, my question is more geared
23 towards as far as the single impact to the back of the
24 skull, and then sort of radiating fractures in the skull.
25 If you could explain that in reference to the subdural

1 hemorrhage, subarachnoid hemorrhage, and the ecchymoses
2 that you observed?

3 A Again, a single impact with a fall could cause all the
4 injuries that were seen in the brain and the skull.

5 MR. LALLY: Thank you. I have nothing further.

6 MS. LITTLE: No further questions.

7 THE COURT: All right. Doctor, you are all set. Thank
8 you very much.

9 (Witness exits.)

10 THE COURT: Okay. All right. Mr. Lally.

11 MR. LALLY: Thank you, Your Honor. The Commonwealth
12 rests.

13 THE COURT: All right.

14 MR. JACKSON: Your Honor, the defense would move the
15 Court for --

16 THE COURT: So I'm going to stop you right there. A
17 short recess?

18 MR. JACKSON: If the Court needs one.

19 THE COURT: I don't need one, but I will see you at
20 sidebar.

21 (Sidebar commences:

22 THE COURT: Jurors, do you want to take the morning
23 recess now or wait here? We'll wait a bit. How's that?

24 (Sidebar commences:

25 THE COURT: Mr. Yanetti, you know full well --

1 MR. YANETTI: Of course. I do.

2 THE COURT: Well, you're responsible when you supervise
3 pro hac vice. That was a huge mistake. If you had moved
4 for a required finding of not guilty from there, I would've
5 had to have entertain a motion for a mistrial. That is a
6 huge mistake.

7 MR. YANETTI: Just for the record, Judge, I never in a
8 million years anticipated that. That was never discussed,
9 and secondly, as he started, I knew you interrupted him. I
10 did, too.

11 THE COURT: You know what? We are going to take a
12 recess.

13 THE COURT: Jurors, we are going to take a recess will
14 take a shorter recess. We'll take a 15 minute recess.
15 end of sidebar.)
16 (Court in recess.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

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Christine D. Blankenship, December 10, 2024

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